

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3724

Remarks

This follows the discussion between Applicant's attorney and the Examiner on 10/21/2008. Applicant assumes that, as discussed with the Examiner, by the time the Examiner receives this submission, he will have received the DVD submitted on 10/08/2008 and it will be reviewed by the Examiner as he reviews this submission.

The Examiner has not, thus far, been able to visualize how the connection between the slide 17 and the threaded spindle 16 operate. The Examiner has stated that it is unclear how the slide 17 is moved on, or with respect to, the guide rail 16. Applicant respectfully maintains that the Replacement Sheet for Figure 1 and the amended claims (previously submitted) should clarify this for the Examiner. The slide 17 is driven to travel along the guide rail 16 by means of a toothed belt, a chain, or the like, e.g., the threaded spindle 26 shown in the Replacement Sheet for Figure 1. (See replacement paragraph [0020], previously submitted). After the Examiner reviews the DVD submitted on 10/08/2008, Applicant's attorney and the Examiner have agreed they will have another discussion and may amend the claims and specification after the next discussion with the Examiner.

The Examiner has stated that it is unclear how the ejector 21 is connected to the guide rail 16. As previously discussed, the ejector 21 is connected to the guide rail 16 through the ejector sleeve 41. (See paragraph [0028], previously submitted).

The Examiner asked how the cutting units and the ejector are independently moved/positioned along the guide rail 16. In this respect, the Examiner asked how the ejector 21 is moved with respect to the counter-holder 13. As previously discussed, the ejector 21 is arranged to the left of the cutting tool 19 of the unit 35. (See replacement

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paragraph [0028], previously submitted). This ejector 21 has a movable bolt 39, as shown in the Replacement Sheet for Figure 1 (previously submitted). The movable bolt 39 is movable in the direction toward the counter-holder 13. (See paragraph [0028], previously submitted).

The Examiner stated that it is not clear how the ejector 21 can move from the initial position 23 to the ejector position 24 without running into at least one of the cutting units 30 and 53. As previously discussed, the ejector 21 is spaced apart from the counter-holder 13, as shown in the upper portion of the Replacement Sheet for Figure 1 (previously submitted). Thus, Applicant respectfully maintains that the previous submissions should clarify the invention. Specifically, previously submitted Figure 1 should make it clear how the ejector 21 can move in a leftward direction from the initial position 23 to the ejector position 24 without running into the cutting units 30 and 53. (See the Replacement Sheet for Figure 1 and replacement paragraph [0025], previously submitted).

The Examiner asked how the cutting units 30, 53 and 35 and the ejector 21 are each connected to the threaded spindle for movement along the guide rail 16. This is shown in the upper portion of the Replacement Sheet 1 for Figure 1 and replacement paragraph [0025], previously submitted.

The Examiner asked how the cutting units and the ejector 21 can be separately controllable or positionable to attain the desired cutting arrangements to produce different length tubes as claimed in claim 39, lines 10 and 11. Applicant respectfully maintains that this is clearly explained in paragraph [0028] (previously submitted), which states: "As soon as the flange 18 has come into an ejector position 24, the ejector 21 can be

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driven by means of a relay or by means of a control, as is known in the art, so that the bolt 39 engages in a groove 42 or in a correspondingly formed recess on the bolt 39. After this (the slide 17) is positively arranged in the groove 42, the slide 17 can be guided over into the initial position 23, upon which the cut-off sleeve is ejected. Immediately before the end of the counter-holder 13, the bolt 39 is brought back into its initial position, so that the ejector sleeve 41 remains near the free end of the counter-holder 13, which is brought back into its initial position by loading a new tube 12 onto the counter-holder 13." (Emphasis and underlining added).

In further review of the specification, Applicant respectfully believes that the amendments to the specification previously submitted should answer the Examiner's questions without adding new matter, and do not require a further search. The previously submitted amendments to the specification were set forth in the replacement paragraphs previously provided.

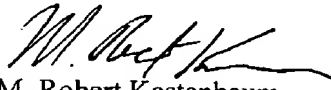
Applicant's attorney wishes to express his sincere gratitude to the Examiner for agreeing to participate in the discussion that occurred on 10/21/2008.

This Amendment After Final Action responds to the outstanding office action. Applicant may further amend the claims to place the claims in condition for allowance or better condition for appeal, after the next discussion with the Examiner. This submission does not add new matter, and Applicant will not add new matter after the next discussion with the Examiner.

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Wherefore, further consideration and allowance of the claims is respectfully
requested.

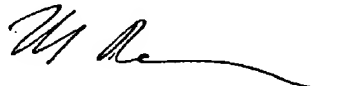
Respectfully submitted,



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CERTIFICATE OF SUBMISSION BY FACSIMILE TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being submitted to the
Art Unit 3724, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on 10/28/2008, fax number 571-273-8300.



M. Robert Kestenbaum